

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

In the Matter of)

Application of Sections 251(b)(4) and 224(f)(1))
 Of the Communications Act of 1934, as amended)
 To Central Office Facilities of Incumbent)
 Local Exchange Carriers)

CC Docket No. 01-77

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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

WORLDCOM COMMENTS

WorldCom Inc. (WorldCom) hereby submits its comments on the Petition for Declaratory Ruling (Petition) filed by the Coalition of Competitive Fiber Providers (Coalition) on March 15, 2001.

In its petition, the Coalition requests that the Commission determine that “competitive fiber providers” may obtain access to ILEC central offices pursuant to Sections 251(b)(4) and 224(f)(1) of the Act.¹ In particular, the coalition asks the Commission to find (1) that ILEC facilities leading to, and in, ILEC central offices constitute “duct,” “conduit,” or “right-of-way” subject to Section 224 obligations; (2) that competitors may obtain access to such duct, conduit, or right-of-way without collocating subject to Section 251(c)(6); and (3) that access to such duct, conduit, or

¹Petition at 2.

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right-of-way in ILEC central offices includes the right to place dark fiber, connector blocks, signal regenerators and other equipment integral to wiring.

The Coalition members seek to use access pursuant to Section 224 to provide fiber-based transport services and dark fiber to collocated competitive local exchange carriers (CLECs).² Specifically, the Coalition members seek to extend their fiber into ILEC central offices, place a distribution frame in the central offices to facilitate future requests from CLECs, and install active electronics in CLEC collocation space.

WorldCom shares the Coalition's concern that many ILECs have erected roadblocks to the provision of competitive transport services.³ WorldCom notes that the Commission is already examining issues related to competitive transport providers' access to ILEC central offices in the CC Docket No. 98-147 collocation remand proceeding.⁴ In that proceeding, commenters have shown convincingly that Section 251(c)(6) of the Act requires ILECs to allow physical collocation of equipment of the type described in the Coalition's petition, including cross-connects to collocated CLECs. Given that the record in the collocation remand proceeding is already complete, the Commission would best advance transport competition by promptly issuing an order in CC Docket No. 98-147 that clarifies the rights of providers of competitive transport services under Section 251(c)(6).

²Petition at 2.

³Petition at 4-5.

⁴Deployment of Wireline Services Offering Advanced Telecommunications Capability, Second Further Notice, CC Docket No. 98-147, released August 10, 2000, at ¶ 83.

Specifically, the Commission should find that the equipment enumerated by the Coalition in its petition -- fiber cable, signal regenerators, connector blocks, and fiber distribution frames -- is “necessary” for interconnection or access to UNEs. For example, as commenters have discussed in CC Docket No. 98-147, fiber distribution frames are necessary to access unbundled network elements, including dark fiber transport and loop UNEs.⁵ Certainly, fiber distribution frames and the other equipment described in the Coalition’s petition do not in any way implicate the “multifunctional equipment” issue that was the focus of the D.C. Circuit’s opinion in GTE v. FCC.⁶ Without exception, the equipment enumerated in the Coalition’s petition provides only the most basic transmission functionality.

The record in CC Docket No. 98-147 also confirms that Section 251(c)(6) authorizes providers of competitive transport to provision cross-connects to the facilities of other collocators. ILECs must permit physical collocation of such cross-connects because (1) cross-connects are necessary for a collocator to “interconnect” with the services of collocated CLECs;⁷ (2) cross-connects are necessary for a collocator to interconnect indirectly with the ILEC;⁸ (3) cross-connects are necessary for access to

⁵See, e.g., AT&T Comments, CC Docket No. 98-147, October 12, 2000, Frontera-Hill Affidavit, Exhibit B (showing Fiber Distribution Panel); Metromedia Comments at 11-12.

⁶GTE v. FCC, 205 F.3d 416, 424.

⁷There is nothing in Section 251(c)(6) that limits a collocator to placing only equipment necessary for interconnection with the ILEC.

⁸Even if Section 251(c)(6) is interpreted as authorizing collocators to collocate only equipment necessary for interconnection with the ILEC, there is nothing in Section

unbundled elements in line-sharing situations;⁹ and (4) cross-connects are necessary for access to unbundled elements that terminate at the collocation space of a second collocator.¹⁰ As all non-ILEC commenters have shown in the CC Docket No. 98-147 collocation remand proceeding, cross-connects are “necessary” for such interconnection or access to unbundled network elements because the alternative – requiring CLECs to provision transport facilities to an external point of interconnection – would substantially increase CLECs’ costs and degrade service quality, obstructing CLECs’ ability to offer competitive services.¹¹

Even if the Commission were to find that cross-connect facilities are not themselves equipment necessary for interconnection or access to unbundled network elements, the Commission should require incumbent LECs to allow cross-connects as a just, reasonable, and nondiscriminatory term of collocation.¹² ILEC refusal to allow cross-connects would be unreasonable and discriminatory because, among other things, it would impose unnecessary additional costs on CLECs only when they seek to use non-

251(c)(6) that requires that such interconnection be direct. See, e.g., Metromedia Reply Comments, CC Docket No. 98-147, November 14, 2000, at 14-16.

⁹See, e.g., WorldCom Comments, CC Docket No. 98-147, October 12, 2000, at 11.

¹⁰There is nothing in Section 251(c)(6) that limits a collocator to placing only equipment necessary for access to unbundled elements that it has itself ordered or that terminate in its own collocation space. The statute requires only that equipment be “necessary . . . for access to unbundled network elements,” without qualifying “unbundled network elements” in any way.

¹¹CC Docket No. 98-147, October 12, 2000, WorldCom Comments at 11-12; Covad Comments at 29; Northpoint Comments at 12-13.

¹²See, e.g., AT&T Comments, CC Docket No. 98-147, October 12, 2000, at 33.

ILEC transport.¹³ At a minimum, the Commission should confirm that the D.C. Circuit's opinion in GTE v. FCC did not disturb the requirement, adopted in the Local Competition Order, that ILECs supply cross-connect facilities between collocators' equipment.¹⁴

For the reasons stated herein, the Commission should accelerate the development of transport competition by clarifying, in its forthcoming order in the CC Docket No. 98-147 collocation remand proceeding, that Section 251(c)(6) of the Act authorizes physical collocation of cross-connects and other equipment described in the Coalition's petition.

Respectfully submitted,
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April 23, 2001

¹³AT&T Comments, CC Docket No. 98-147, October 12, 2000 at 33 (“[I]f the ILEC can deny CLECs the opportunity to cross-connect the incumbent would be the only LEC permitted to interconnect with all other CLECs within the central office.”); Sprint Comments at 13.

¹⁴Sprint Comments, CC Docket No. 98-147, October 12, 2000 at 13 (citing Local Competition Order, 11 FCC Rcd 15499, 15802, 16216 (1996)); Northpoint Comments at 8-10.

STATEMENT OF VERIFICATION

I have read the foregoing, and to the best of my knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on April 23, 2001.



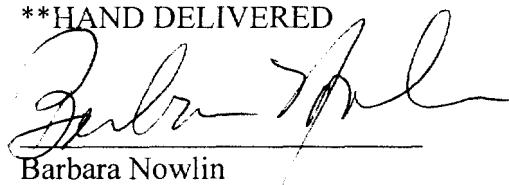
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CERTIFICATE OF SERVICE

I, Barbara Nowlin, do hereby certify that copies of the foregoing Comments were sent via first class mail, postage paid, to the following on this 23rd Day of April, 2001.

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